IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1865 OF 2004

IN

SUIT NO.4752 OF 1999

Rajan C. Chhabria & Another .... Plaintiffs.

vs.

Mr.Behram B. Dubash and others. ... Defendants.

Mr.D.Singh i/b. Thakordas & Madgavkar, for plaintiffs.

Mr.V.B.Irani i/b. Mulla & Mulla, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 28th April,2005

P.C.:-

On a motion made by the learned Counsel for plaintiffs, the Notice of Motion is permitted to be withdrawn. However, considering the conduct of the plaintiffs of instituting the suit though there was arbitration clause in existence in the agreement between the parties and thereafter taking out a Motion under Section 89 of the Civil Procedure Code, for referring

disputes to arbitration, in my opinion, interest of justice demands that substantial costs should be imposed on the plaintiffs. The plaintiffs are therefore, directed to pay to the defendants as and by way of costs of this Notice of Motion, the amount of Rs.20,000/-

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